

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

September 23, 2002

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, September 23, 2002, at 9:01p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Council Member District No. 1; Ms. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Steve M. Vaughn, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations, concerned citizens, and posted electronically.

Chairman Rozier called the meeting to order.

Councilmember Spooner gave the invocation and Councilmember Crosby led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Chairman Rozier asked Council's pleasure on the approval of minutes of the following meetings: Public Hearing on Bill No. 02-33 and a Special Meeting of Council held on August 12, 2002; Public Hearings on Bill No. 02-28, Bill No. 02-32 and LLEBG and Regular Meeting of Council on August 26, 2002.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

There was no **PUBLIC DISCUSSION**.

There was no **EXECUTIVE SESSION**.

THIRD READING:

"BILL NO. 02-31, AN ORDINANCE APPROVING THE FINANCING OF CERTAIN IMPROVEMENTS TO THE SEWER SYSTEM PORTION OF THE WATER AND SEWER SYSTEM OF BERKELEY COUNTY, SOUTH CAROLINA, THROUGH A BORROWING BY THE COUNTY OF NOT EXCEEDING \$1,865,000 INCLUDING CAPITALIZED

INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; PROVIDING FOR AN AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE COUNTY TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt **Bill No. 02-31** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-09-41 is attached to these minutes)

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner that all Bills for Second Reading be read collectively. The motion was passed by unanimous voice vote of Council.

“**BILL NO. 02-35**, AN ORDINANCE ESTABLISHING A LARGER TALL PINES SPECIAL TAX DISTRICT AND SIMULTANEOUSLY ABOLISHING THE TALL PINES SPECIAL TAX DISTRICT THAT WAS ESTABLISHED IN 1991.”

“**BILL NO. 02-38**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-00-00-073.” (Austin)

“**BILL NO. 02-40**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #180-00-01-048.” (Berkeley Properties, LLC)

“**BILL NO. 02-41**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #161-15-00-002.” (Driggers)

“**BILL NO. 02-42**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #175-00-02-058.” (Pringle & Simmons)

“BILL NO. 02-43, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #103-00-01-001.” (Giannelli)

FIRST READING:

“BILL NO. 02-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #252-00-00-036.” (Beazer Homes)

“BILL NO. 02-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #234-00-00-135.” (New South Enterprises, Inc.)

“BILL NO. 02-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-11-00-062.” (Ervin)

“BILL NO. 02-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #209-06-00-036.” (P.Driggers)

“BILL NO. 02-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #098-00-04-059.” (Mills)

“BILL NO. 02-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #207-00-02-063.” (Sherman)

“BILL NO. 02-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #152-00-00-054 AND 057.” (Dix)

“BILL NO. 02-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #271-00-01-035.” (Stoney, Jr.)

“BILL NO. 02-52, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #242-00-02-021.” (Kocak)

“BILL NO. 02-53, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN

REGARDS TO APPROVED USES OF TMS #242-00-02-023 AND 242-00-02-060.” (Ladson Development)

“**BILL NO. 02-54**, AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO. 99-7-41 REGARDING PERMITS, FEES, INSPECTIONS AND LICENSES; TO AMEND SECTION IV OF ORDINANCE NO. 99-7-41 REGARDING THE MAXIMUM PENALTY FOR VIOLATIONS OF THE BUILDING CODE.”

“**BILL NO. 02-55**, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY AND SALE OF NOT EXCEEDING \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF BERKELEY COUNTY, SOUTH CAROLINA, INDUSTRIAL DEVELOPMENT REVENUE BONDS; THE LENDING OF THE PROCEEDS OF THE BONDS TO PROVIDE FUNDS TO CHARLESTON MIDSTREAM TRANSFER FACILITY, LLC (THE “COMPANY”) TO DEFRAY THE COST OF ACQUIRING CERTAIN MACHINERY, EQUIPMENT, AND OTHER PROPERTY; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE BONDS, INCLUDING A LOAN AGREEMENT BETWEEN THE COUNTY AND THE COMPANY; A TRUST INDENTURE, SECURING SUCH ISSUE OF BONDS AND PRESCRIBING MATTERS RELATED THERETO; A BOND PURCHASE AGREEMENT; AND AN OFFERING MEMORANDUM WITH RESPECT TO THE BONDS; AND OTHER MATTERS RELATING THERETO.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the Resolution for Transfer of Funds 2002-2003. The motion was passed by unanimous voice vote of Council. (A copy of Resolution R 02-41 is attached to these minutes.)

“RESOLUTION APPROVING AN AMENDMENT TO THE BYLAWS OF THE DEVON FOREST SPECIAL TAX DISTRICT.”

It was moved by Councilmember Vaughn and seconded by Councilmember C. Davis to adopt the Resolution amending the Devon Forest Special Tax District Bylaws. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 02-42 is attached to these minutes.)

“RESOLUTION APPROVING THE POLICY FOR PAYMENT OF JURORS AND WITNESSES.”

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to adopt the Resolution for payment of Jurors and witnesses. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 02-43 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND CHARLESTON MIDSTREAM TRANSFER FACILITY, LLC, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL ISSUE NOT EXCEEDING \$5,000,000 OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS PURSUANT TO THE PROVISIONS OF TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO FINANCE CERTAIN FACILITIES FOR CHARLESTON MIDSTREAM TRANSFER FACILITY, LLC; AND OTHER MATTERS RELATED THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Charles Davis to adopt the Resolution regarding Inducement Agreement with Charleston Midstream Transfer Facility, LLC. The motion was passed by unanimous voice vote of Council. (a copy of Resolution No. 02-44 is attached to theses minutes)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE. Councilmember Steve M. Vaughn, Chairman

The Committee on Finance met on September 9 and September 16.

It was moved by Councilmember Vaughn upon recommendation of the Committee on Finance to approve implementation of a drainage plan in the unincorporated areas of Moncks Corner in regard to California Branch. (No Second Required) The motion was passed by unanimous voice vote of Council.

COMMITTEE ON LAND USE. Councilmember Charles E. Davis, Chairman.

The Committee on Land Use met on September 9.

It was moved by Councilmember Charles Davis upon recommendation of the Committee on Land Use to Deny the Request by Freddie Glenn, Jr., off Clements Ferry Road, Wando, TMS #267-00-00-051 (1 acre), Nathaniel Brown, off Clements Ferry Road, Wando, TMS #267-00-00-052 (1 acre), and Haneefahs Karin, off Clements Ferry Road, TMS #267-00-00-053, (1 acre), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 8. (No Second Required) The motion was passed by unanimous voice vote of Council.

COMMITTEE ON PUBLIC WORKS AND PURCHASING. Councilmember William E. Crosby, Chairman.

The Committee on Public Works and Purchasing met on September 9, 2002.

It was moved by Councilmember Crosby upon recommendation of the Committee on Public Works and Purchasing to award the Contracts for the Brandywine Boulevard and Red Bank Road Sewer Rehab Project to: Contract #1 to Azurix North America in the amount of \$335,520 and Contract #2 to Triad Engineering in the amount of \$976,098. (No Second Required) The motion was passed by unanimous voice vote of Council.

It was moved by Councilmember Crosby upon recommendation of the Committee on Public Works and Purchasing to approve negotiation with ADC Engineering for the repair/replacement of the Berkeley County Office Building roof. (No Second Required) The motion was passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY. Councilmember Milton Farley, Chairman.

No Report.

COMMITTEE ON WATER AND SANITATION. Councilmember Judith K. Spooner, Acting Chairman.

The Committee on Water and Sanitation met on September 9.

It was moved by Councilmember Spooner upon recommendation of the Committee on Water and Sanitation to approve a contract with the Pimlico Civic Club to use an Old Treatment Plant site as a playground. (No Second Required) The motion was passed by unanimous voice vote of Council.

It was moved by Councilmember Spooner upon recommendation of the Committee on Water and Sanitation to approve an agreement with the City of Goose Creek wherein they will provide a staff person, utilities and facilities for Berkeley County Water and Sanitation Authority billing at a cost of \$2500.00 per month. (No Second Required) The motion was passed by unanimous voice vote of Council.

COMMITTEE ON PLANNING AND DEVELOPMENT. Councilmember Judith K. Spooner, Chairman.

The Committee on Planning and Development met on September 9 and earlier that evening.

It was moved by Councilmember Spooner upon the recommendation of the Committee on Planning and Development to approve the variance of placement of off-premise sign at 2001 N. Main Street, Summerville, SC. (No Second Required) The motion passed with a majority voice vote of Council with Councilmembers Crosby, Pinckney and Steve Davis voting "Nay."

COMMITTEE ON COMMUNITY SERVICES. Councilmember Judy C. Mims, Chairman.

No Report

COMMITTEE ON HUMAN SERVICES. Councilmember Caldwell Pinckney, Jr., Chairman.

No Report

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Crosby nominated Mr. Alan Carter to the RDA Board.

Councilmember Spooner nominated Mr. Paul Wellborn to the RDA Board.

By majority voice vote of Council Mr. Paul Wellborn was nominated for the Charleston Naval Complex Redevelopment Authority (RDA).

Councilmember Crosby nominated Mr. David Kennedy to be reappointed to the Goose Creek Recreation Commission.

The motion was passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE**.

There was no **UNFINISHED BUSINESS**.

There was no **NEW BUSINESS**.

ANNOUNCEMENTS:

The OCTOBER 2002, Regular Meeting of Berkeley County Council will be held on Monday OCTOBER 28, 2002, in the ASSEMBLY ROOM, 223 North Live Oak Drive, Moncks Corner, S.C., at 7:00 p.m.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adjourn the Regular meeting of Council. The motion was passed by unanimous voice vote of Council.

The meeting was adjourned at 9:21 p.m.

PUBLIC DISCUSSION:

(During periods of discussion and/or presentations minutes are typically condensed and paraphrased.)

Mr. Robert Brock, 100 Azalea Street, Ladson, Katony Subdivision, addressed Council and requested that the rezoning request by Michael Kocak be denied. Mr. Brock indicated that residents of Katony Subdivision would be more than willing to assist Mr. Kocak in the development of this property as long as the development stays within the covenants for the Subdivision. He responded to Councilmember Farley's statement from a previous meeting regarding the fact that there had been no new development in some time. He stated the reason for this was because the land would not perk, but now there is sewage in the Subdivision.

Mr. Charles Young, 103 Magnolia Street, Ladson, Katony Subdivision, apologized to Council for the residents of Katony Subdivision not being in attendance on September 9, 2002, when the request to rezone went before the Committee on Land use for consideration. He did not receive notice until earlier tonight.

Mr. Jim Gonzales, Attorney for Katony Subdivision residents, addressed Council and indicated the majority of the lots in the subdivision were obtained and developed in the early 1970's. Mr. Gonzales represented the residents in 1984 vs. Michael Kocak, at which time Judge Bill Shipley ruled in the residents' favor and confirmed the restrictions that limit the property in issue by a court order that went to the South Carolina Court of Appeals, which was sustained and is still in effect. There has been no change in circumstance to vitiate that court order. Mr. Gonzales explained to Council if they do rezone the property it does not change the covenant restrictions for the property. Mr. Gonzales asked Council to consider the fact that the residents of this community are a well integrated, cohesive group, and that the largest investment of their lives are these homes. His request was to deny the rezoning request by Michael Kocak.

Mr. Ronnie Brewer, 1722 Cypress Campground Road, Ridgeville. Mr. Brewer addressed Council and asked them to consider the 3.5 mill increase to support the Rural Fire Departments. He stated, "Thirty Dollars (\$30) is a small price to pay for better fire coverage." He believes this increase will give the Rural Fire Departments better tools and training to better protect the citizens of Berkeley County.

Mr. Charles Washington, 9110 Wisteria Street, Ladson, Katony Subdivision, is concerned about the decline in his property if the rezoning request for Michael Kocak is granted. He stated the value of the homes in Katony Subdivision are at a good standard, and that if a mobile home park is allowed to be located there it would decrease the value of his home and the homes of other residents in Katony Subdivision. He indicated that they (the residents) have been before Council four times pleading not to grant the rezoning request.

Mr. Mitch Lanier, Attorney for Michael Kocak asked that Council not get side tracked with the issue of the covenants on the Katony Subdivision property, that it was a private issue between the lot owners, and has nothing to do with Council's decisions. He stated Mr. Kocak is not asking to place a trailer park on the property, but to put modular homes instead. He indicated that Mr. Kocak sold plots of this same property to a telecommunications company for a tower

and to a cabinet shop owner. Mr. Kocak owns 42 lots in the Katony Subdivision, which makes him the majority lot owner. Therefore, the restrictive covenants can be amended according to their own terms by a majority of the lot owners.

Councilmember Crosby asked Mr. Gonzales if one person who owns 42 lots would be allowed 42 votes or one vote?

Mr. Gonzales stated it was his understanding that a multi-lot owner cannot use his number of lots to out vote individual lot owners.

Mr. Douglas Parker, 2289 Cypress Campground Road, Ridgeville, addressed Council stating he was in favor of the 3.5 mill increase to fund the Rural Fire Departments. He indicated the fire protection in the rural areas is substandard. His fire department, Lebanon Rural Fire, has an ISO rating of 9, with 10 being the worst rating.

S/Barbara B. Austin
Clerk of County Council

October 28, 2002
Date Approved

ADDENDUM #2

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday September 23, 2002, is scheduled to begin at 7:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

ADD:

FIRST READING:

12. **Bill No. 02-55**, an Ordinance authorizing the execution and delivery and sale of not exceeding \$5,000,000 aggregate principal amount of Berkeley County, South Carolina, industrial development revenue bonds; the lending of the proceeds of the bonds to provide funds to Charleston Midstream Transfer Facility, LLC (the "Company") to defray the cost of acquiring certain machinery, equipment, and other property; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the bonds, including a loan agreement between the county and the company; a trust indenture, securing such issue of bonds and prescribing matters related thereto; a bond purchase agreement; and an offering memorandum with respect to the bonds; and other matters relating thereto.

[Recommended by Committee on Finance]

RESOLUTIONS:

4. **RESOLUTION** authorizing the execution and delivery of an inducement agreement by and between Berkeley County, South Carolina and Charleston Midstream Transfer Facility, LLC, whereby, under certain conditions, Berkeley County will issue not exceeding \$5,000,000 of its industrial development revenue bonds pursuant to the provisions of Title 4, Chapter 29 of the Code of Laws of South Carolina 1976, as amended, to finance certain facilities for Charleston Midstream Transfer Facility, LLC; and other matters related thereto.

[Recommended by Committee on Finance]

September 20, 2002
S/Barbara B. Austin
Clerk of County Council

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday September 23, 2002, is scheduled to begin at 7:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

INVOCATION

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearings Bills Numbered: 02-33	August 12, 2002
Special Council Meeting	August 12, 2002
Public Hearing: Bill Numbered 02-28	August 26, 2002
Public Hearing: Bill Numbered 02-32	August 26, 2002
Public Hearing: LLEBG	August 26, 2002
Regular Council Meeting	August 26, 2002

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 02-31**, an Ordinance approving the financing of certain improvements to the sewer system portion of the water and sewer system of Berkeley County, South Carolina, through a borrowing by the County of not exceeding \$1,865,000 including capitalized interest, if any, from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund Authority, pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from

the County to the South Carolina water Quality Revolving Fund Authority; and other matters relating thereto.

[Recommended by Committee on Water and Sanitation]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 02-35**, an Ordinance establishing a larger Tall Pines Special Tax District and simultaneously abolishing the Tall Pines Special Tax District that was established in 1991.

[Recommended by Committee on Finance]

2. **Bill No. 02-38**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Jannie Austin, 1144 College Park Road, Summerville, TMS #222-00-00-073 (1.2 acres of 2.20 acres total), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 02-39**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Charles R. Adams, Jr., and Dawn Wiseman-Adams, 125 Wolfhound Lane, Summerville, TMS #221-00-00-068 (Lot 3A, 1.87 acres and Lot 3 B, 1.12 acres, 3 acres total), from R-1, Single Family Residential District, to R-1MM, Multi-Section Residential District. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 02-40**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Properties, LLC, South Live Oak Drive and Oakley Road, Moncks Corner, TMS #180-00-01-048 (1.26 acres portion, 2.2 acres total) and 180-00-01-049 (8.38 acres), from GC, General Commercial District, and R-2 Manufactured Residential District, to GC General Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 02-41**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Georgia S. Driggers, 1535 and 1539 South Live Oak Drive, Moncks Corner, TMS #161-15-00-002 and 003 (2 lots), from GC, General Commercial District, to R-2, Manufactured Residential District. Council District No. 7.

[Recommended by Committee on Land Use]

6. **Bill No. 02-42**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Elijah Pringle for Bertha Pringle Simmons, 1045 Gaddist Road, Ridgeville, TMS #175-00-02-058 (.50 acre 1.3 acres total), from

F-1 Agricultural District to RNC, Rural and Neighborhood Commercial District. Council District No. 7.

[Recommended by Committee on Land Use]

7. **Bill No. 02-43**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Andrew Giannelli, 212 Open Door Lane, Moncks Corner, TMS #103-00-01-001 (2.75 portion, 71.36 acres total), from F-1, Flexible District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 02-44**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Beazer Homes for St. James Episcopal Church of Goose Creek, Foster Creek Road, Goose Creek, TMS #252-00-00-36-036 (30 acres portion, 49.34 acres total), from PDMU, Planned Development-Mixed Use Development District, to R-1, Single Family Residential District.. Council District No. 1.

[Recommended by Committee on Land Use]

2. **Bill No. 02-45**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: New South Enterprises, Inc. for Medway Executive Office Park, L.L.C. corner of Highway 176 and Mt. Holly Road, Goose Creek, TMS #234-00-00-135 (5.27 acres), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District. Council District No. 3. **Bill No. 02-43**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re:

[Recommended by Committee on Land Use]

3. **Bill No. 02-46**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Tom Ervin for the Estate of Henry Yaschik, Highway 17-A, Summerville TMS #222-11-00-062 (8.62 acre portion, 29 acres total) from GC, General Commercial District, and R-1, Single Family Residential District, to GC, General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 02-47**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Perry T. Driggers, 1354 State Road, Summerville, TMS #209-06-00-036 (2.9 acres), from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 02-48**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lewis M. Mills, 2325 North Highway

52, Bonneau, TMS #098-00-04-059 (a .4 portion of 1 lot), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 6.

6. **Bill No. 02-49**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Howard Sherman for the Sherman Agency, 120 Jed Park Place, Summerville, TMS #207-00-02-063 (91.03 acres), from HI, Heavy Industrial District, to LI, Light Industrial District. Council District No. 7,
[Recommended by Committee on Land Use]

7. **Bill No. 02-50**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David Dix, 3234 French Santee Road, Jamestown, TMS #152-00-00-054 and 057 (a 1.75 portion, 8.72 acres total), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]

8. **Bill No. 02-51**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Theodore Stoney, Jr., for Jane S. Stoney, Highway 33, Wando, TMS #271-00-01-035 (50.29 acres), from GC, General Commercial District, to LI, Light Industrial District. Council District 8.
[Recommended by Committee on Land Use]

9. **Bill No. 02-52**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Michael Kocak, Wisteria Road, Ladson TMS #242-00-02-021, (9.86 acres), from R-1, Single Family Residential, to R-1MM, Multi-Section Manufactured Residential District. Council District No. 4.
[Recommended by Committee on Land Use]

10. **Bill No. 02-53**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ladson Development Company, Wisteria Road and Highway 78, Ladson, TMS #242-00-02-023 (11.1 acres), and TMS #242-00-02-060 (3.52 acres), from R-1, Single Family Residential District, to LI, Light Industrial District. Council District N. 4.
[Recommended by Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.
[Recommended by Committee on Finance]

2. **RESOLUTION** approving an amendment to the Bylaws of the Devon Forest Special Tax District.
[Recommended by Committee on Finance]

3. **RESOLUTION** approving the policy for payment of jurors and witnesses.
[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember Steve M. Vaughn, Chairman.
Recommendation:
Moncks Corner Drainage plan.
2. Committee on Land Use.
Councilmember Charles E. Davis, Chairman.
Recommendation to Deny:

Request by Freddie Glenn, Jr., off Clements Ferry Road, Wando, TMS #267-00-00-051 (1acre), Nathaniel Brown, off Clements Ferry Road, Wando, TMS #267-00-00-052 (1 acre), and Haneefahs Karin, off Clements Ferry Road, TMS #267-00-00-053, (1 acre), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 8.
3. Committee on Public Works and Purchasing.
Councilmember William E. Crosby, Chairman.
Recommendations:
Redbank Road and Brandywine sewer trunk rehabilitation.
Negotiation of contract with ADC.
4. Committee on Justice and Public Safety.
Councilmember Milton Farley, Chairman.
5. Committee on Water and Sanitation.
Councilmember Judith K. Spooner, Acting Chairman.
Recommendations:
Agreement with Pimlico Civic Club/property.
Agreement with City of Goose Creek/billing clerk.
6. Committee on Planning and Development.
Councilmember Judith K. Spooner, Chairman.
7. Committee on Community Services.
Councilmember Judy C. Mims, Chairman.
8. Committee on Human Services.
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

BERKELEY-CHARLESTON-DORCHESTER RTMA
CHARLETON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
SPIERS LANDING COMMISSION
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The OCTOBER 2002, Regular Meeting of Berkeley County Council will be held on MONDAY OCTOBER 28, 2002, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

September 18, 2002
S/Barbara B. Austin
Clerk to County Council